

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**MICHELE COOPER, individually and
on behalf of all others similarly situated**

Plaintiffs,

v.

**AETNA HEALTH INC. PA, CORP.,
AETNA HEALTH MANAGEMENT,
LLC, AETNA LIFE INSURANCE
COMPANY, AETNA HEALTH
and LIFE INSURANCE COMPANY,
AETNA HEALTH INC. and AETNA
INSURANCE COMPANY OF
CONNECTICUT,**

Defendants.

Civil Action No. 07-3541 (FSH)

ORDER

This matter having come before the Court by way of motion of the plaintiffs for leave to file a Fourth Amended Complaint;

and the Court being advised that the defendants do not oppose this request;

and the Court having conducted a telephonic hearing on the record on March 5, 2009;

and the plaintiffs representing that two of the proposed plaintiffs are current plan members and hence have standing to seek injunctive relief;

and the plaintiffs further representing that two of the proposed plaintiffs are participants in individual plans that are not subject to ERISA and their presence may modify the class definition;

and the Court having considered the submissions, arguments, and representations of the parties;

and it appearing that these amendments have no impact on the nature of the arguments embodied in the motion to dismiss, except that the assertion that a request for equitable relief by former plan members may not have to be reached at this time as the proposed Fourth Amended Complaint contains current plan members, but that this is an issue for the United States District Judge to decide;

and for the reasons set forth on the record on March 5, 2009;

and for good cause shown,

IT IS ON THIS 5th day of March, 2009

ORDERED that the motion for leave to file a Fourth Amended Complaint [Docket No. 154] is granted. The plaintiffs shall file the Fourth Amended Complaint no later than **March 12, 2009**;

IT IS FURTHER ORDERED that the defendants' shall Answer, move or otherwise respond to the Complaint no later than 21 days after the date of the Order resolving the motion to dismiss;

IT IS FURTHER ORDERED that the results of the motion to dismiss directed at the Third Amended Complaint shall apply as if the motion to dismiss had been directed at the Fourth Amended Complaint. The only motions that may be filed directed at the Fourth Amended Complaint shall be limited to the components of the Fourth Amended Complaint that were not contained in the Third Amended Complaint;

IT IS FURTHER ORDERED that, absent a directive from the United States District Judge to further amend the complaint as part of the resolution of the motion to dismiss, no further amendments will be permitted;

IT IS FURTHER ORDERED that, no later than **March 27, 2009**, the plaintiffs shall

produce the Rule 26 disclosures and documents related to standing of the new ERISA plaintiffs.

The defendants may serve interrogatories and document demands upon the new plaintiffs; and

IT IS FURTHER ORDERED that all discovery shall proceed even while the motion to dismiss and the motion before the Judicial Panel on Multidistrict Litigation are pending and all deadlines shall remain in full force and effect.

s/Patty Shwartz

UNITED STATES MAGISTRATE JUDGE